IN THE COURT OF APPEALS OF IOWA

No. 9-501 / 89-503

FILED
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CLERK SUPREME COURT

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IN THE INTEREST OF D.J.R., A Child.

D.R., Father,

Appellant,

M.R., Mother,

Appellant.

Appeal from the Iowa District Court for Polk County, Vincent Hanrahan, Judge.

The father and mother of D.J.R. appeal from the juvenile court order terminating their parental rights. **AFFIRMED.**

Steven M. Porto, Des Moines, for appellant father.

William A. Price, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General; Gordon E. Allen, Deputy Attorney General; Kathrine S. Miller-Todd, Assistant Attorney General; and Karen Romano, Assistant County Attorney, for appellee State.

Marlene Cebuhar, Des Moines, guardian ad litem for the child.

Considered by Schlegel, P.J., and Sackett and Habhab, JJ.

HABHAB, J.

The father and mother of D.J.R. appeal from the juvenile court order terminating their parental rights. We affirm.

The child in question is a girl born in January 1975. Her parents were married to each other, and she lived with them until 1985. She has no full siblings, but she does have four older half-siblings from her mother's previous marriage.

In 1985 the child accused her father of sexual abuse and was placed in emergency foster care. Medical examinations failed to support the allegation of sexual abuse, and that allegation has not been relied upon in subsequent proceedings. However, after the emergency foster care placement, social workers discovered that the father was extremely angry with the child and desired no further contact with her. In addition, it became apparent that the child suffered from serious behavioral and emotional disorders which the parents were unable to understand or assist in treating.

The child was adjudicated to be a child in need of assistance in July 1985. She has been in foster care continuously since that time, often in an institutional setting due to her serious behavioral and emotional problems.

In 1988 the State filed a petition to terminate the parental rights of both parents. After a hearing, the

juvenile court did terminate the parental rights of both parents. The juvenile court relied on Iowa Code section 232.116(1)(e). That section permits the juvenile court to terminate the parent-child relationship if the child has been adjudicated in need of assistance, has been placed out of the parent's custody for more than twelve of the last eighteen months, and there is clear and convincing evidence that the child will suffer harm specified in Iowa Code section 232.2(6) (1989) if returned to the parent. See In re K.L.C., 372 N.W.2d 223, 227 (Iowa 1985).

Appellate review[1] of termination proceedings is de novo. In re D.G., 349 N.W.2d 487, 491 (Iowa 1984), cert. denied, 469 U.S. 1222, 105 S. Ct. 1212, 84 L. Ed. 2d 353 (1985). We give weight to the findings of fact of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those determinations. Id. at 491-92.

The State must prove by clear and convincing evidence the allegations contained in the termination petition. See In Interest of C.M.T., 433 N.W.2d 55, 56 (Iowa App. 1988); Santosky v. Kramer, 455 U.S. 745, 770, 102 S. Ct. 1388, 1402, 71 L. Ed. 599, 617 (1982). This requirement includes a requisite showing that the child will suffer one of the harms enumerated in Iowa Code section 232.2(6).

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1. The mother is fearful that the interests of D.J.R. will not be properly protected if the rights of D.R. are reinstated. She joins in D.R.'s brief and seeks reversal only if the parental rights of D.R. are restored.

The parents concede that the first two requirements of Iowa Code section 232.116(1)(e) have been met. Thus, the only question remaining is whether the State has shown by clear and convincing evidence that D.J.R. will suffer one of the harms listed in section 232.2(6).

Iowa Code subsection 232.2(6)(c)(1) defines a child in need of assistance to be an unmarried child "who has suffered or is imminently likely to suffer harmful effects as a result of: (1) conditions created by the child's parent, guardian, or custodian." We find that the State has proven by clear and convincing evidence that D.J.R. is imminently likely to suffer emotional deprivation resulting in psychological harm due to conditions created by her parents if she is returned to them. Such a showing satisfies the requirements of Iowa Code subsection 232.2(6)(c)(1).

The record shows that in spite of their beliefs that D.J.R. was suffering from some sort of mental infirmity for approximately two years before her removal, her parents failed to take affirmative steps to obtain treatment for her. In addition, her parents, made no effort to improve their parenting skills so as to avoid a reoccurrence or aggravation of D.J.R.'s emotional and psychological illness.

It is clear that D.J.R.'s serious emotional problems stemmed from her home environment. We conclude that

D.J.R., if placed back in their home, is imminently likely to again suffer emotional and psychological harm as a result of the environment.

We have considered the other grounds relied on by the appellant and find them to be meritless. Accordingly, the decision of the juvenile court to terminate the parental rights of D.R. and M.R. is affirmed.

AFFIRMED.